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OFFICIAL CONDUCT AND CONFLICT OF INTEREST CODE

SAN FRANCISCO BAY DEVELOPMENT AND CONSERVATION COMMISSION

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July 2, 1976

TO: All Commissioners and Alternates
FROM: Charles R. Roberts, Executive Director

INSTITUTE OF GOVERNMENTAL
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SUBJECT: Proposed Official Conduct and Conflict of Interest Code
(For Commission Consideration July 15, 1976)

JUL 12 1976

UNIVERSITY OF CALIFORNIA

1. Background

As a State agency, the Commission is subject to the conflict of interest and disclosure provisions of the Fair Political Practices Act ("Proposition 9"), which went into effect on January 7, 1975. The Fair Political Practices Commission (FPPC) is charged with administering the Act, and under the terms of the Act and FPPC regulations, the Commission, like all other State agencies, must prepare and submit to the FPPC a conflict of interest code. Upon submission of the code to the FPPC, the FPPC may approve it with amendments, or return it to the Commission with recommended changes. The code is not effective until approved by the FPPC.

The deadline for the Commission's submitting its proposed code is September 10, 1976, and to meet that deadline, the Attorney General has prepared the attached draft for a public hearing and initial consideration by the Commission on July 15, 1976. However, because of the complexity of this subject, the staff recommends the Commission continue the public hearing at the meeting of August 5, 1976, but with a possible Commission vote at the close of the hearing on the 5th. If it is not possible to vote on the 5th, the vote could be rescheduled for the Commission meeting of August 19, 1976, or even for the meeting of September 2, 1976, and still meet the FPPC deadline.

2. Proposed Code

Because of the detailed nature of the provisions of the proposed code and the civil and criminal penalties that can be incurred for violation of the Fair Political Practices Act, it is important that each member of the Commission and staff become familiar with the provisions of the proposed code. Consequently the Attorney General's Office has recommended that the staff not attempt to summarize them, although the following general points can be made:

*Though both the conflict of interest and disclosure requirements are detailed and extensive, the law gives the Commission little discretion in deciding what constitutes a conflict of interest or in determining what should be disclosed.

*All Commissioners, alternates, the executive director, civil service employees, members of the Design and Engineering Boards, and Commission consultants are subject to the conflict of interest provisions contained in Sections 205 through 208.

*All Commissioners, alternates, the executive director, civil service employees (other than those in secretarial or clerical positions), and Commission consultants are subject to the disclosure requirements contained in Sections 210 through 213. The members of the advisory

boards are not included in the disclosure requirements because the Attorney General believes they are unsalaried and serve a solely advisory function. Members of such boards are expressly exempted from disclosure requirements by the Fair Political Practices Act.

*At this point, the Citizens Advisory Committee is not subject to either the conflict of interest or the disclosure provisions of the proposed code. Both the staff and the Attorney General believe the members of the Citizens Advisory Committee are clearly exempt from the disclosure requirements of the Fair Political Practices Act because they are unsalaried and the Committee is solely advisory. Whether or not they are also exempt from the conflict of interest provisions is less clear, and the Attorney General is undertaking further legal research on this point. This will be provided to the Commission prior to adoption of the proposed code.

3. Possible Issues with the FPPC

At present the staff and the Attorney General foresee only one area of potential disagreement with the FPPC. Both the staff and the Attorney General believe the Commission's advisory boards are unsalaried and advisory, and therefore not required to disclose under the Fair Political Practices Act. The FPPC staff, on the other hand, has indicated that the Design Board and the Engineering Criteria Review Board, while technically advisory, may be sufficiently influential in the Commission's decision-making to bring them within the disclosure requirements of the Act.

Because of this uncertainty, and the burdens disclosure might unnecessarily place on the members of the Engineering and Design Board (whose service to the Commission is entirely voluntary), the staff is recommending that the Commission not subject the members of these boards to the disclosure requirements of the code at this time. However, the staff also recommends that the Commission direct the staff and the Attorney General to bring this specifically to the attention of the FPPC, together with the reasons for the Commission's decision, when the code is submitted to the FPPC for final approval. The FPPC will then be in a position to make a definitive decision on the precise point.

July 6, 1976

PROPOSED OFFICIAL CONDUCT AND CONFLICT OF INTEREST CODE

E R R A T A

1. On page 2, delete all of lines 22 through 26 and substitute the following:

" 'Commission employee' means the members of the Commission, including alternates and the members of the Design Review Board and the Engineering Criteria Review Board; the executive director; all full or part-time civil service employees of the Commission, including, but not limited to, any person in the career executive assignment class and any person in the graduate student assistant or student assistant classes; and all consultants to the Commission."
2. On page 2, line 31 and page 3, line 1, delete the words, "member, alternate officer, employee, or consultant," and after the word "Commission" on page 2, line 31, add the word employee."
3. On page 22, lines 23 and 24, delete the words, "members, alternates, and consultants."
4. On page 22, line 24, delete the word "those" and after the word "except" add the words "(i) the members of the Design Review Board and the Engineering Criteria Review Board who are unsalaried and serve a solely advisory function; and (ii) employees."



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1 Section 200. Official Conduct and Conflict of Interest Code
2 for the San Francisco Bay Conservation and
3 Development Commission.
4

5 Section 201. Declaration of Intent.

6 The Commission declares the intent of this Code to be
7 as follows:

8 (a) Commission employees are responsible to all the
9 people of the State of California and not to any favored segment
10 or group. They are to avoid all situations, or the appearance
11 thereof, where prejudice, bias or opportunity for personal gain
12 could influence their decisions and actions.

13 (b) The business and affairs of the Commission must be
14 conducted in such an impartial manner that all persons understand
15 that no Commission employee can be influenced by other than proper
16 methods.

17 (c) The Commission recognizes that a public employee may
18 not be disciplined for what he does in his private life so long as
19 such conduct does not impair the public service or cause discredit
20 to his agency.

21
22 Section 202. Scope of Code.

23 The provisions of this Code do not attempt to specify
24 every possible limitation on employee activity which might be
25 considered illegal, unethical, or incompatible. However, this
26 Code is intended to comply with the requirements of Government
27 Code sections 87300 et seq., and to assist Commission employees
28 in complying with other related statutes regulating the conduct of
29 public employees.

30 Violation of any provision of this Code may subject a Commission
31 employee to the civil or criminal penalties provided for violation

1 of the statutes on which this Code is based, or to disciplinary
2 action by the Commission.

3

4 Section 203. Definitions.

5 (a) "Advisory committee" means the advisory committee on
6 conflicts of interest and incompatible activities, as governed by
7 section 211 of these regulations.

8 (b) "Business entity" means any organization or enter-
9 prise operated for profit, including but not limited to a proprietor-
10 ship, partnership, firm, business trust, joint venture, syndicate,
11 corporation or association.

12 (c) Commission means the San Francisco Bay Conservation
13 and Development Commission.

14 (d) "Commission decision" means the consideration, formu-
15 lation, amendment, defeat, enactment, authorization, interpretation,
16 investigation, or recommendation by the employees or members of
17 the Commission of any decision, policy statement, regulation, rule,
18 order, resolution, ruling, request for ruling, application, certi-
19 fication, procurement, contract, claim, controversey, study, plan,
20 or any matter connected with any Commission proceeding, hearing,
21 or meeting.

22 (e) "Commission employee" means the executive director,
23 all full or part-time employees of the Commission, including, but
24 not limited to, all special consultants of the Commission, any
25 person in the career executive assignment class, and any person
26 in th graduate student assistant or student assistant classes.

27 (f) "Confidential information" means any information
28 kept confidential pursuant to the PUBlic Records Act (commencing
29 with section 6250 of the Government Code), or the rules and regula-
30 tions of the Commission.

31 (g) "Designated employee" means any Commission member,

1 alternate, officer, employee, or consultant whose position entails
2 the making, influencing, or participating in the making of Commission
3 decisions which may foreseeably have a material effect upon any
4 financial interest. Designated employees shall not include
5 secretarial, manual, or clerical employees, or other employees if
6 their discretionary responsibilities are such that they cannot
7 foreseeably have a material effect upon any financial interest.

8 For purposes of this Code, the "designated employees" are those
9 occupying the positions or categories of positions listed in
10 Section 214. The specific types of investments, interests in real
11 property and income which are reportable for each designated
12 employee position or category of positions are those listed in
13 Sections 213 and 214.

14 (h) "Gift" means any payment to the extent that consid-
15 eration of equal or greater value is not received by the person
16 making the payment. Any person, other than a defendant in a
17 criminal action, who claims that a payment is not a gift because
18 the one making the payment received consideration of equal or
19 greater value, has the burden of proving that the consideration
20 received is of equal or greater value. "Gift" includes cash,
21 check, money order, service, gratuity, favor, transportation,
22 entertainment, realty, personalty, loan, or any other thing of
23 value, but does not include informational material such as books,
24 reports, pamphlets, calendars, statistics, studies, analyses, legal
25 pleadings, briefs, memoranda, or analyses of bills or proposed
26 regulations. No payment for travel or reimbursement for any
27 expenses shall be deemed "informational material".

28 (i) "Immediate family" means the spouse and dependent
29 children. Whenever disclosure of investments or interests in real
30 property is required by this Code, investments and interests in
31 real property of members of the immediate family must also be
32 disclosed.

1. Financially, either, explicitly, or implicitly, as a position of
2. the market, information, or intelligence in the market of
3. decisions which may be made, or a market effect upon any
4. financial interest. Bankruptcy, however, shall not include
5. contractual, moral, or ethical obligations, or other obligations
6. which are not legally enforceable, and which are not
7. enforceable by a court of law, or by a court of equity,
8. for purposes of this Code, the "financial interest" shall
9. include the position of ownership of securities listed in
10. section 21. The financial interest of a person, however, shall
11. include and be subject to the provisions of this Code, and shall
12. include the position of ownership of securities listed in
13. section 21 and 22.
14. (b) "Gift" means any payment to the extent that consid-
15. eration of equal or greater value is not received by the person
16. making the payment, any person, other than a defendant in a
17. criminal action, who claims that a payment is not a gift because
18. the one making the payment received consideration of equal or
19. greater value, but the burden of proving that the consideration
20. received is of equal or greater value, "Gift" includes cash,
21. stock, money, goods, services, gratuity, favor, transportation,
22. entertainment, realty, personalty, loan, or any other thing of
23. value, but does not include informational material such as books,
24. reports, pamphlets, calendars, statistics, studies, analyses, facts,
25. information, data, manuscripts, or anything of little or no value,
26. negotiable. No payment for travel or entertainment for any
27. person shall be deemed "informational material".
28. "Financial interest" shall mean the interest and ownership
29. interest, whether financial or otherwise, in any
30. property is required by this Code, investment and interest in
31. real property of interest of the defendant shall also be
32. included.

1 (j) "Income" means income of any nature from any source,
2 including but not limited to any salary, wage, advance, payment,
3 dividend, interest, rent, capital gain, return of capital, gift,
4 including any gift of food or beverage, loan, forgiveness or
5 payment of indebtedness, discount in the price of anything of value
6 unless the discount is available to members of the public without
7 regard to official status, rebate, reimbursement for expenses,
8 per diem, or contribution to an insurance or pension program paid
9 by any person other than an employer, and including any community
10 property interest in income of a spouse. Income of an individual
11 also includes a pro rata share of any income of any business
12 entity or trust in which the individual, spouse, and/or dependent
13 children, jointly or severally own, directly, indirectly or
14 beneficially, a 10 percent interest or greater. Income does not
15 include:

16 1. Salary and reimbursement for expenses or per
17 diem received from a state or local government agency
18 and reimbursement for travel expenses and per diem
19 received from a bona fide educational, academic or
20 charitable organization;

21 2. Gifts of informational material, such as books,
22 pamphlets, reports, calendars or periodicals;

23 3. Gifts which are not used and which, within
24 30 days after receipt, are returned to the donor or
25 delivered to a charitable organization without being
26 claimed as a charitable contribution for tax purposes;

27 4. Gifts from an individual's spouse, child,
28 parent, grandparent, grandchild, brother, sister,
29 parent-in-law, brother-in-law, sister-in-law, aunt,
30 uncle, or first cousin, or the spouse of any such
31 person; provided that a gift from any such person

1 shall be considered income if the donor is acting as
2 an agent or intermediary for any person not covered
3 by this paragraph;

4 5. Any devise or inheritance;

5 6. Payments received under any insurance policy;

6 7. Interest, dividends or premiums on any of the
7 following: A time or demand deposit in a financial
8 institution, shares in a credit union, any insurance
9 policy, or any bond or other debt instrument issued by
10 any government or government agency;

11 8. Dividends, interest or any other return on a
12 security which is registered with the Securities and
13 Exchange Commission of the United States Government.

14 (k) "Indirect investment or interest" means any invest-
15 ment or interest owned by the spouse or dependent child of a
16 Commission employee, by an agent on behalf of a Commission employee,
17 by any business entity controlled by the Commission employee or by
18 a trust in which he has a substantial interest. A business entity
19 is controlled by a Commission employee if such employee, his
20 agents, spouse and/or dependent children, hold jointly or severally
21 more than 50 percent of the ownership interest in the entity.
22 A Commission employee has a substantial interest in a trust when
23 the employee, his spouse and/or dependent children have jointly or
24 severally a present or future interest worth more than one thousand
25 dollars (\$1,000).

26 (l) "Interest in real property" includes any leasehold,
27 beneficial or ownership interest or an option to acquire such an
28 interest in real property located in the State of California if
29 the fair market value of the interest is greater than one thousand
30 dollars (\$1,000). Interests in real property of an individual
31 includes a pro rata share of interests in real property or any

shall be considered unless it is shown to be in the

best interest of the community for the action not to be

in this regard.

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28. Any action of the community

1 business entity or trust in which the individual, spouse, and/or
2 dependent children jointly or severally own directly, indirectly,
3 or beneficially, a 10 percent interest or greater.

4 (m) "Investment" means any financial interest in or
5 security issued by a business entity, including but not limited to
6 common stock, preferred stock, rights, warrants, options, debt
7 instruments and any partnership or other ownership interest, if
8 the business entity or any parent, subsidiary or otherwise related
9 business entity has an interest in real property in California or
10 does business or plans to do business in California or has done
11 business within California at any time during the two years prior
12 to the time any statement or other action is required under this
13 Code. No asset shall be deemed an investment unless its fair
14 market value exceeds one thousand dollars (\$1,000). The term
15 "investment" does not include a time or demand deposit in a
16 financial institution, shares in a credit union, any insurance
17 policy, or any bond or other debt instrument issued by any govern-
18 ment or government agency. Investments of any individual include
19 a pro rata share of investments of any business entity or trust
20 in which the individual and/or spouse jointly or severally own,
21 directly, indirectly, or beneficially, a 10 percent interest or
22 greater.

23 (n) "Legally required participation" means a designated
24 employee is not legally required to make or to participate in the
25 making of a governmental decision within the meaning of this Code
26 unless there exists no alternative source of decision consistent
27 with the purposes and terms of the statute authorizing the decision.
28 The fact that a designated employee's vote is needed to break a
29 tie does not make his participation legally required.

30 (o) "Lobbyist" means any person who is employed or
31 contracts for economic consideration, other than reimbursement for
32 reasonable travel expenses, to communicate directly or through his
33 agents with any elective state official, agency, official, or

1 business entity or trust in which the individual, spouse, and/or
2 dependent children jointly or severally own directly, indirectly,
3 or beneficially, a 10 percent interest or greater.
4 (M) "Investment" means any financial interest in or
5 security issued by a business entity, including but not limited to
6 common stock, preferred stock, rights, warrants, options, debt
7 instruments and any partnership or other similar interest, in
8 the business entity or any parent, subsidiary or otherwise related
9 business entity has an interest in real property in California or
10 does business or plans to do business in California or has done
11 business within California at any time during the two years prior
12 to the time any statement or other action is required under this
13 Code. No asset shall be deemed an investment unless its fair
14 market value exceeds one thousand dollars (\$1,000). The term
15 "investment" does not include a time or demand deposit in a
16 financial institution, unless in a credit union, any insurance
17 policy, or any bond or other debt instrument issued by any govern-
18 ment or government agency. Investments of any individual include
19 a pro rata share of investments of any business entity or trust
20 in which the individual and/or spouse jointly or severally own,
21 directly, indirectly, or beneficially, a 10 percent interest or
22 greater.
23 (N) "Legally required participation" means a designated
24 employee is not legally required to make or to participate in the
25 making of a governmental decision within the meaning of this Code
26 unless there exists no alternative source of decision consistent
27 with the purposes and terms of the statute authorizing the decision.
28 The fact that a designated employee's vote is needed to break a
29 tie does not make his participation legally required.
30 (O) "Lobbyist" means any person who is registered as
31 lobbyist for economic legislation, other than reimbursement for
32 economic travel expenses, to communicate directly or through his
33 agents with any legislative state official, agency, official, or

1 legislative official for the purpose of influencing legislative or
2 administrative action, if a substantial or regular portion of the
3 activities for which he receives consideration is for the purpose
4 of influencing legislative or administrative action. No Commission
5 employee is a lobbyist by reason of activities undertaken within
6 the scope of his official Commission duties.

7 (p) "Making or participating in the making of a decision"
8 means:

9 1. A designated employee "makes a decision,"
10 except as provided in (3) when he or she, acting
11 within the authority of his or her position:

- 12 i. Votes on a matter;
- 13 ii. Appoints a person;
- 14 iii. Obligates or commits the Commission
15 to any course of action;
- 16 iv. Enters into any contractual agreement
17 on behalf of the Commission;
- 18 v. Determines not to act within the meaning
19 of subparagraphs i, ii, iii, or iv unless
20 such determination is made because of his
21 or her investment, income, or interest in
22 real property.

23 2. A designated employee "participates in the making
24 of a decision" except as provided in (3) when he or she,
25 acting within the authority of his or her position:

- 26 i. Negotiates in any manner with a govern-
27 mental entity or private person regarding
28 the decision;
- 29 ii. Conducts research or investigations
30 regarding the decision which are made
31 available to others for the purpose of
32 attempting to influence the decision;

1 legislative affairs for the purpose of influencing legislative or
2 administrative action, it is a substantial or regular portion of the
3 activities for which he receives compensation is for the purpose
4 of influencing legislative or administrative action. No Commission
5 employee is a lobbyist by reason of activities undertaken within
6 the scope of his official Commission duties.

7 (p) "Making or participating in the making of a decision
8 means:

9 1. A designated employee "makes a decision,"
10 except as provided in (3) when he or she, acting
11 within the authority of his or her position:

- 12 i. Votes on a matter;
- 13 ii. Appoints a person;
- 14 iii. Orders or commits the Commission
15 to any course of action;
- 16 iv. Enters into any contractual agreement
17 on behalf of the Commission;
- 18 v. Determines not to act within the meaning
19 of subsections i, ii, iii, or iv unless
20 such determination is made because of his
21 or her investment, income, or interest in
22 real property.

23 2. A designated employee "participates in the making
24 of a decision" except as provided in (3) when he or she,
25 acting within the authority of his or her position:

- 26 i. Negotiates in any manner with a govern-
27 mental entity or private person regarding
28 the decision;
- 29 ii. Conducts research or investigations
30 regarding the decision which are made
31 available to others for the purpose of
32 assisting in influencing the decision;

1 iii. Prepares any report, analysis, or opinion,
2 regarding the decision which is made avail-
3 able to others for the purpose of attempting
4 to influence the decision;

5 iv. Participates in any governmental discussions
6 or debates regarding the decision; or

7 v. Advises or makes recommendations to the
8 decision-maker.

9 3. "Making or participating in the making of a
10 decision" shall not include:

11 i. Actions of designated employees which are
12 solely ministerial, secretarial, manual,
13 or clerical;

14 ii. Appearances by a designated employee as a
15 member of the general public before an
16 agency in the course of its prescribed
17 governmental function to represent himself
18 or herself on matters related solely to
19 his or her personal interests; or

20 iii. Actions by a designated employee relating
21 to his or her compensation or the terms or
22 conditions of his or her employment or
23 contract.

24 (q) "Period covered" by a statement or report required
25 to be filed under this Code means, unless a different period is
26 specified, the period beginning with the day after the closing date
27 of the most recent statement or report which has been filed, and
28 ending with the closing date of the statement or report in question.
29 If the person filing the statement or report has not previously
30 filed a statement or report of the same type, the period covered
31 begins on the effective date of this Code, or on the date of the

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111. Presume any report, analysis, or opinion regarding the decision which is made available to others for the purpose of attempting to influence the decision;

112. Participation in any governmental discussion or debate regarding the decision; or
113. Advice or other recommendations to the decision-maker.

1. "Meaning or participation in the making of a

decision" shall not include:

1. Actions of designated employees which are solely ministerial, secretarial, clerical, or clerical;

2. Actions by a designated employee relating to his or her compensation or the terms or conditions of his or her employment or contract.

(p) "Period covered" by a statement or report required

to be filed under this Code means, unless a different period is specified, the period beginning with the day after the closing date of the most recent statement or report which has been filed, and ending with the closing date of the statement or report in question. If the terms filing the statement or report has not previously filed a statement or report of the same type, the period covered begins on the effective date of this Code, or on the date of the

1 person's becoming a designated employee of the Commission, which-
2 ever is the later date. Nothing in this Code shall be interpreted
3 to exempt any person from disclosing transactions which occurred
4 prior to the effective date of this Code according to the laws
5 then in effect.

6 (r) "Person" means any individual, proprietorship, firm,
7 partnership, joint venture, syndicate, business trust, company,
8 corporation, association, organization, committee, or any other
9 organization or group of persons acting in concert. "Person"
10 shall also include any city, county, public district or agency,
11 the State or any department of agency thereof, and the United States
12 to the extent authorized by federal law.

13 (s) "Special project employee" means an employee hired
14 for a specific, limited term project with clearly defined objectives,
15 and limited geographic and subject matter scope.

16 (t) "Working conditions" means the rate of pay, hours
17 of work, retirement provisions, promotion or civil service status,
18 or any other conditions of employment.

19 (u) Whenever used in this Code, "he", "his", and "him"
20 specifically include the feminine as well as the masculine gender.

21
22 Section 204. Effect of F.P.P.C. Definitions

23 Unless a term is defined differently in this Code,
24 the definitions contained in Chapter 2 of the
25 Political Reform Act of 1974, Government Code §§
26 82000 et seq. and regulations promulgated by the
27 Fair Political Practices Commission, 2 California
28 Administrative Code §§ 18700 et seq. shall govern
29 the construction of this Code.

30
31 /

1 person's becoming a designated employee of the Commission, which-
2 over is the latter case. Nothing in this Code shall be interpreted
3 to exempt any person from disclosing transactions which occurred
4 prior to the effective date of this Code according to the law
5 then in effect.

6 (c) "Person" means any individual, partnership, firm
7 partnership, joint venture, syndicate, business trust, company,
8 corporation, association, organization, committee, or any other
9 organization or group of persons acting in concert. "Person"
10 shall also include any city, county, public district or agency,
11 the State or any department of agency thereof, and the United States
12 to the extent authorized by Federal law.

13 (d) "Special project employee" means an employee hired
14 for a specific, limited term project with clearly defined objectives
15 and limited geographic and subject matter scope.
16 (e) "Working conditions" means the rate of pay, hours
17 of work, retirement provisions, pension or civil service status,
18 or any other conditions of employment.

19 (f) Whenever used in this Code, "he", "his", and "him"
20 specifically include the feminine as well as the masculine gender.

21
22 Section 104. Effect of F.P.C. Definitions
23 Unless a term is defined differently in this Code,
24 the definitions contained in Chapter 2 of the
25 Political Reform Act of 1974, Government Code §
26 81000 et seq. and amendments promulgated by the
27 Fair Political Practices Commission, California
28 Administrative Code § 15700 et seq. shall govern
29 the construction of this Code.

1 Section 205. Incompatible or Inconsistent Activities.

2 (a) A Commission employee shall not engage in any employ-
3 ment, activity, or enterprise which is clearly inconsistent, incom-
4 patible with, or inimical to his duties as a Commission employee
5 or with the duties, functions, or responsibilities of the Commission.

6 (b) Activities which are inconsistent or incompatible
7 shall include but not be limited to:

8 1. Use for private gain or advantage of State
9 time, funds, facilities, postage equipment, or supplies;
10 or

11 2. Use of the prestige or influence of one's
12 Commission office or employment to solicit preferential
13 treatment, including, but not limited to:

14 i. Use of status in the Commission to solicit
15 directly or indirectly business of any kind
16 from a person who does business with the
17 State, or

18 ii. Use of status in the Commission to
19 purchase goods or services for private
20 use at discounts from a person who does
21 business with the State; or

22 3. Receipt or acceptance by a Commission employee
23 of any payment from anyone other than the State of
24 California for the performance of an act which the
25 employee would otherwise be required or expected to
26 render in the regular course of his Commission employ-
27 ment; or

28 4. Employing or being employed as a lobbyist at
29 any level of government; or engaging in the private
30 practice of law, or other outside employment if such
31 practice or employment may require appearing before

Section 105. Investigative or Inspection Activities

(a) A Confidential employee shall not engage in any activity, business, occupation, or enterprise which is directly inconsistent with the duties or functions of his position as a Confidential employee, or which is detrimental to the interests of the Government, or which is otherwise in violation of the laws of the United States.

(b) Activities which are inconsistent with the duties or functions of a Confidential employee shall not be engaged in.

1. The Government shall not be prejudiced or harmed by the activities of Confidential employees, and shall not be placed in a position of disadvantage or embarrassment by such activities.

2. None of the activities of Confidential employees shall be such as to reflect unfavorably on the Government, or to bring the Government into disrepute or embarrassment.

3. The activities of Confidential employees shall not be such as to reflect unfavorably on the Government, or to bring the Government into disrepute or embarrassment.

4. Confidential employees shall not engage in any activity which is inconsistent with the duties or functions of their position, or which is otherwise in violation of the laws of the United States.

5. Confidential employees shall not engage in any activity which is inconsistent with the duties or functions of their position, or which is otherwise in violation of the laws of the United States.

6. Confidential employees shall not engage in any activity which is inconsistent with the duties or functions of their position, or which is otherwise in violation of the laws of the United States.

7. Confidential employees shall not engage in any activity which is inconsistent with the duties or functions of their position, or which is otherwise in violation of the laws of the United States.

8. Confidential employees shall not engage in any activity which is inconsistent with the duties or functions of their position, or which is otherwise in violation of the laws of the United States.

1 any State agency, Board, Commission, or committee of
2 the Legislature on behalf of such outside employment
3 or client; or

4 5. Any employment outside State service, with
5 the exception of teaching, writing or public speaking,
6 for which the employee is selected or retained wholly
7 or partially because of his employment with the Com-
8 mission; or

9 6. Employment outside state service with any
10 person who might foreseeably be subject to the control
11 or regulation of the Commission, or who might fore-
12 seeably have cause to appear before the Commission in
13 its official capacity; or

14 7. Endorsing or recommending to the public the
15 use of a commercial product or service, either in
16 one's official capacity, or in the name of the Com-
17 mission; or

18 8. Direct or indirect solicitation or receipt of
19 political funds or contributions from other Commission
20 employees or from persons on any list of possible future
21 employees of the Commission, unless such solicitation
22 or receipt relates to a ballot measure affecting working
23 conditions; or

24 9. Knowingly allowing entry into any place occupied
25 and used for the governmental purposes of the Commission,
26 of any person, for the purpose of therein making, demand-
27 ing, or giving notice of any political assessment, sub-
28 scription, or contribution.

29 Section 206. Financial Interest.

30 (a) No Commission employee at any level shall participate
31 through decision, approval, disapproval, recommendation, the
32 rendering of advice, investigation, or otherwise,) in a judicial

1 or other proceeding, (including hearings, applications, requests for
2 a ruling, or other determinations, contracts, claims, controversies,
3 studies, plans, or other particular matters) in which he knows or
4 has reason to know, he, ^{his} ~~is~~ spouse, minor child, or partner, or any
5 organization (except a governmental agency or educational or
6 research institution qualifying as a nonprofit organization under
7 state or federal income tax law), in which he is serving (as
8 officer, director, trustee, partner, or employee) has a direct or
9 indirect financial interest.

10 (b) A Commission employee has a financial interest
11 within the meaning of this paragraph if it is reasonably foreseeable
12 that the decision will have a material financial effect, distinguish-
13 able from its effect on the public generally, on:

14 1. Any business entity in which the employee has
15 a direct or indirect investment worth more than one
16 thousand dollars (\$1,000); or

17 2. Any real property in which the employee has a
18 direct or indirect interest worth more than one thousand
19 dollars (\$1,000); or

20 3. Any source of income, other than loans by a
21 commercial lending institution in the regular course of
22 business, aggregating two hundred fifty dollars (\$250)
23 or more in value received by or promised to the employee
24 within 12 months prior to the time when the decision is
25 made; or

26 4. Any business entity in which the employee is a
27 director, officer, partner, trustee, employee, or holds
28 any position of management.

29 (c) No Commission employee shall be financially interested
30 in any contract made by him in his official capacity, or by the
31 Commission. Nor shall Commission employees be purchasers at any

1 or other person, (including himself, application, request for
2 a ruling, or other determination, statement, claim, controversy,
3 election, claim, or other particular matter) in which he knows or
4 has reason to know, or has reason to believe, or expects, or
5 organization (except a governmental agency or educational or
6 research institution) as a nonpublic organization under
7 state or federal income tax law, to which he is serving (as
8 officer, director, trustee, partner, or employee) has a direct or
9 indirect financial interest.

10 (b) A Commission employee has a financial interest
11 which the meaning of this paragraph is it is reasonably foreseeable
12 that the decision will have a material financial effect, directly
13 or indirectly, on the public generally, on:

14 1. Any business entity in which the employee has
15 a direct or indirect investment worth more than one
16 thousand dollars (\$1,000); or

17 2. Any real property in which the employee has a
18 direct or indirect interest worth more than one thousand
19 dollars (\$1,000); or

20 3. Any source of income, other than wages by a
21 nonpublic lending institution in the regular course of
22 business, aggregating one hundred fifty dollars (\$150)
23 or more in value received by or provided to the employee
24 within 15 months prior to the time when the decision is
25 made; or

26 4. Any business entity in which the employee is a
27 director, officer, partner, trustee, partner, employee, or holds
28 any position of management.

29 (c) The Commission employee shall be financially interested
30 in any contract made by him in his official capacity, or in any
31 Commission. The Commission employee shall be financially interested

1 sale or vendors at any purchase made by them in their official
2 capacity.

3
4 Section 207. Gifts.

5 (a) No Commission employee shall solicit, receive,
6 accept, or transmit, directly or indirectly, any gift from any
7 person, or the agent or representative thereof, who is doing or
8 is seeking to do business of any kind with the State of California
9 or whose activities are regulated or controlled in any way by
10 the State, under circumstances from which it reasonably could be
11 inferred that the gift was intended to influence him in his official
12 duties or was intended as a reward for any official action on his
13 part.

14 (b) Any gift delivered to or coming into the possession
15 of a Commission employee in spite of section 1207(a) shall be
16 returned by the Commission employee at Commission expense.
17 Perishable gifts may be sent to a charitable organization and the
18 donor so notified.

19 (c) If a Commission employee receives an offer of a
20 gift, which is or may be worth more than \$25, under conditions
21 implying the intent to influence a favorable action by the Com-
22 mission, the employee shall notify the chairman and Executive
23 Director in writing immediately, even though the offer has been
24 refused.

25 (d) No Commission employee shall knowingly receive
26 gifts of any kind from any person registered as a lobbyist under
27 Government Code section 86100.

28 (e) Any doubt as to the propriety of accepting a gift
29 shall be resolved against acceptance.

30
31

1 sales or vendors as any purchase made by them in their official
2 capacity.

3
4 Section 107. Gifts.

5 (a) No Commission employee shall solicit, receive,
6 accept, or transmit, directly or indirectly, any gift from any
7 person, or the agent or representative thereof, who is doing or
8 is seeking to do business of any kind with the State of California
9 or whose activities are regulated or controlled in any way by
10 the State, under circumstances from which it reasonably could be
11 inferred that the gift was intended to influence him in his official
12 duties or was intended as a reward for any official action or his
13 merit.

14 (b) Any gift delivered to or coming into the possession
15 of a Commission employee in violation of section 107(a) shall be
16 returned by the Commission employee at Commission expense.
17 Veritable gifts may be sent to a charitable organization and the
18 donor so notified.

19 (c) If a Commission employee receives an offer of a
20 gift, which is or may be worth more than \$55, under conditions
21 implying the intent to influence a favorable action by the Com-
22 mission, the employee shall notify the Chairman and Executive
23 Director in writing immediately, even though the offer has been
24 refused.

25 (d) No Commission employee shall knowingly receive
26 gifts of any kind from any person registered as a lobbyist under
27 Government Code section 86100.

28 (e) Any doubt as to the propriety of accepting a gift
29 shall be resolved against acceptance.

1 Section 208. Confidential Information.

2 (a) Commission employees shall not use confidential
3 information, unless required or ordered to do so during the course
4 of employment with the Commission. Prohibited uses of confidential
5 information include, but are not limited to:

6 1. Use of any confidential information
7 available to a Commission employee solely because of
8 his state position for private gain or advantage; or

9 2. Providing or using the names of persons or
10 records of the Commission for a mailing list that has
11 not been authorized by the Commission; or

12 3. Use or disclosure of information claimed to
13 be a marketing or trade secret, unless the Commission
14 has, by a written decision setting forth its reasons,
15 determined that such information should be disclosed;
16 or

17 4. Disclosure of or providing confidential infor-
18 mation to persons to whom issuance of such information
19 has not been authorized by the Commission.

20 (b) The employee's supervisor shall make reasonable
21 efforts to put the employee on notice as to which information is
22 confidential.

23 (c) Each Commission employee shall sign a confidential
24 information agreement as a condition of employment. This agreement
25 shall contain a provision that a breach by the employee of the
26 confidential information agreement shall result in the immediate
27 institution of dismissal proceedings by the Commission in addition
28 to any other available legal and equitable remedy,

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(a) Confidential information shall not be disclosed to the public, unless authorized by the Commission, and shall not be used for the purpose of employment with the Commission. Confidential information includes, but is not limited to:

1. Use of any confidential information available to a Commission employee solely because of his state position for private gain or advantage; or

2. Providing or using the names of persons or records of the Commission for a mailing list that has not been authorized by the Commission; or

3. Use or disclosure of information claimed to be a marketing or trade secret, unless the Commission has, by a written decision setting forth its reasons, determined that such information should be disclosed; or

4. Disclosure of or providing confidential information to persons to whom issuance of such information has not been authorized by the Commission.

(b) The employee's supervisor shall make reasonable efforts to put the employee on notice as to which information is confidential.

(c) Each Commission employee shall sign a confidential information agreement as a condition of employment. This agreement shall contain a provision that a breach by the employee of the confidential information agreement shall result in the immediate termination of his employment proceedings by the Commission in addition to any other available legal and equitable remedy.

1 Section 209. Updating List of Designated Employees.

2 (a) The advisory committee on conflicts of interest and
3 incompatible activities shall be responsible for updating the list
4 of Commission employees ^{who} ~~which~~ are defined as designated employees
5 under sections 213 and 214. The advisory committee shall update
6 this list at least quarterly, subject to review by the Commission
7 at a public meeting or hearing.

8
9 Section 209(b) At least 20 days prior to the Commission's awarding
10 a consultant contract, the Advisory Committee shall
11 recommend to the Commission the appropriate Dis-
12 closure Category for the statements of economic
13 interest filed pursuant to section 210(f).

14
15 Section 210. Statements of Economic Interests.

16 (a) Within 30 days after the effective date of this
17 Code, each designated employee shall file a Statement of Economic
18 Interests with the Executive Director. Any person who becomes a
19 designated employee after the effective date of this Code shall
20 file a Statement of Economic Interests with the Executive Director
21 within 30 days after becoming such an employee. Any person
22 appointed to the position of Executive Director after the effective
23 date of this Code shall file a Statement of Economic Interests with
24 the Commission not less than 10 days before assuming office.

25 (b) Each filing subsequent to the initial filing shall
26 be made during the month of February of each year and cover the
27 period commencing with one day after the last date covered by the
28 previous filing, and ending with the following January 31.

29 (c) The form of the Statement and the information
30 required shall be determined by the advisory committee on conflicts
31 of interest and incompatible activities, subject to the approval of

Section 209. Upgrading List of Designated Employees.

(a) The advisory committee on conflict of interest and incompatible activities shall be responsible for updating the list of Commission employees who are defined as designated employees under sections 214 and 215. The advisory committee shall update this list at least quarterly, subject to review by the Commission at a public meeting or hearing.

Section 209(b). At least 30 days prior to the Commission's awarding a consultant contract, the advisory committee shall recommend to the Commission the appropriate disclosure category for the statement of economic interest that pursuant to section 215(f).

Section 210: Statement of Economic Interest.
(a) Within 30 days after the effective date of this Code, each designated employee shall file a Statement of Economic Interest with the Executive Director. Any person who becomes a designated employee after the effective date of this Code shall file a Statement of Economic Interest with the Executive Director within 30 days after becoming such an employee. Any person appointed to the position of Executive Director after the effective date of this Code shall file a Statement of Economic Interest with the Commission not less than 10 days before assuming office.

(b) Each filing endorsement to the initial filing shall be made during the month of February of each year and cover the period commencing with the date after the last date covered by the previous filing, and ending with the following January 31.

(c) The form of the statement and the information reported shall be determined by the advisory committee on conflict of interest and incompatible activities, subject to the approval of

1 a majority of the Commission at a public meeting or hearing. The
2 Statement shall at least contain a designated employee's income,
3 direct or indirect investments and direct or indirect interests in
4 real property, as defined under section 203 of this Code, acquired,
5 held, or disposed of at any time during the period covered by the
6 Statement, which income, investments and interests shall be
7 reported as follows:

8 1. When an investment or an interest in real
9 property is required to be disclosed, the Statement
10 shall contain:

11 i. A statement of the nature of the invest-
12 ment or interest;

13 ii. The name of the business entity in which
14 each investment is held, and a general
15 description of the business activity in
16 which the business entity is engaged;

17 iii. The address or other precise location of
18 the real property;

19 iv. A statement whether the fair market value
20 of the investment or interest in real
21 property exceeds ten thousand dollars (\$10,000),
22 and whether it exceeds one hundred thousand
23 dollars (\$100,000). This valuation informa-
24 tion need not be provided with respect to an
25 interest in real property which is used as
26 the principal residence of the filer;

27 v. In the case of an investment which consti-
28 tutes 50 percent or more of the ownership
29 interest in a business entity, disclosure
30 of the investments and interests in real
31 property of the business entity;

1 a majority of the Commission at a public meeting or hearing. The
 2 statement shall at least contain a designated employee's income,
 3 direct or indirect investments and direct or indirect interests in
 4 real property, as defined under section 101 of this Code, acquired
 5 held, or disposed of at any time during the period covered by the
 6 statement, which income, investments and interests shall be
 7 reported as follows:
 8 I. When an investment or an interest in real
 9 property is required to be disclosed, the statement
 10 shall contain:
 11 A. A statement of the nature of the invest-
 12 ment or interest;
 13 B. The name of the business entity in which
 14 each investment is held, and a general
 15 description of the business activity in
 16 which the business entity is engaged;
 17 C. The address or other precise location of
 18 the real property;
 19 D. A statement whether the fair market value
 20 of the investment or interest in real
 21 property exceeds ten thousand dollars (\$10,000),
 22 and whether it exceeds one hundred thousand
 23 dollars (\$100,000). This valuation informa-
 24 tion need not be provided with respect to an
 25 interest in real property which is used as
 26 the principal residence of the filer;
 27 E. In the case of an investment which consti-
 28 tutes 25 percent or more of the ownership
 29 interest in a business entity, disclosure
 30 of the investment and interest in real
 31 property of the business entity;

1 vi. If the investment or interest in real
2 property was partially or wholly acquired
3 or disposed of during the period covered by
4 the Statement, the date of acquisition or
5 disposal.

6 2.

7 i. When income is required to be reported, the
8 Statement shall contain, except as provided
9 in subsection ii:

10 A. The name and address of each source of
11 income aggregating two hundred fifty
12 dollars (\$250) or more in value, or
13 twenty-five dollars (\$25) or more in
14 value if the income was a gift, and
15 a general description of the business
16 activity, if any, of each source;

17 B. A statement whether the aggregate value
18 of income from each source was greater
19 than one thousand dollars (\$1,000), and
20 whether it was greater than ten thousand
21 dollars (\$10,000);

22 C. A description of the consideration, if any,
23 for which the income was received;

24 D. In the case of a gift, the amount of the
25 gift and the date on which it was received.

26 ii. When income of a business entity, including
27 income of a sole proprietorship, is required
28 to be reported, the Statement shall contain:

29 A. The name, address, and a general description
30 of the business activity of the business
31 entity;

1. If the Government or interest in real
 property was partially or wholly acquired
 or disposed of during the period covered by
 the Statement, the date of acquisition or
 disposal.
 2. When income is required to be reported, the
 Statement shall contain, except as provided
 in subsection 1:
 A. The name and address of each source of
 income aggregating two hundred fifty
 dollars (\$250) or more in value, or
 twenty-five dollars (\$25) or more in
 value if the income was a gift, and
 a general description of the business
 activity, if any, of each source;
 B. A statement whether the aggregate value
 of income from each source was greater
 than one thousand dollars (\$1,000), and
 whether it was greater than ten thousand
 dollars (\$10,000);
 C. A description of the consideration, if any,
 for which the income was received;
 D. In the case of a gift, the amount of the
 gift and the date on which it was received.
 3. When income of a business entity, including
 income of a sole proprietorship, is reported
 in the Statement, the Statement shall contain:
 a. A description of the business activity of the business
 entity;

1 C. In the case of a business entity not
2 covered by paragraph B, the name of every
3 person from whom the business entity
4 received payments if the filer's pro rata
5 share of gross receipts from such person
6 was equal to or greater than ten thous-
7 and dollars (\$10,000) during a calendar
8 year.

9 (d) Employees required to file Statements under this
10 Code shall verify in writing that the Statements are true under
11 penalty of perjury, and acknowledge that any misstatements or
12 omissions shall subject them to the provisions of Government Code
13 sections 91003.5 and 91004, including discipline or dismissal by
14 the Commission and civil action in court.

15 (e) Every statement filed pursuant to this Code is a
16 public record open for public inspection and reproduction during
17 regular business hours, commencing as soon as practicable, but in
18 any event not later than the second business day following the day
19 on which it was received. No conditions whatsoever shall be
20 imposed upon persons desiring to inspect or reproduce statements
21 filed under this Code, nor shall any information or identification
22 be required from such persons. Copies shall be provided at a
23 charge not to exceed 10 cents per page.

24
25 Section 210(f) At least 20 days prior to the Commission's awarding
26 a consultant contract, the Commission shall deter-
27 mine the appropriate disclosure category for any
28 consultant on any such contract, and at least 10
29 days prior to the Commission's authorizing said
30 contract, a disclosure statement shall be filed by
31

C. In the case of a business entity not covered by paragraph B, the name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.

(d) Employees required to file statements under this Code shall verify in writing that the statements are true under penalty of perjury, and acknowledge that any statements or omissions shall subject them to the provisions of Government Code sections 91003.5 and 91004, including discipline or dismissal by the Commission and civil action in court.

(e) Every statement filed pursuant to this Code is a public record open for public inspection and reproduction during regular business hours, commencing as soon as practicable, but in any event not later than the second business day following the day on which it was received. No conditions whatsoever shall be imposed upon persons desiring to inspect or reproduce statements filed under this Code, nor shall any information or identification be required from such persons. Copies shall be provided at a charge not to exceed 10 cents per page.

Section 91013. At least 30 days prior to the Commission's awarding a consultant contract, the Commission shall determine the appropriate disclosure category for any consultant on any such contract, and at least 10 days prior to the Commission's authorizing said contract, a disclosure statement shall be filed by

any prospective consultant, pursuant to the provisions of this Code.

Within 30 days of the effective date of this Code, the Commission shall determine, after receiving a recommendation from the Advisory Committee, the appropriate disclosure category for the disclosure statements of any consultants with existing contracts. Said disclosure statements shall be filed pursuant to the provisions of this Code and within 45 days of the effective date of this Code.

Section 211. Internal Advisory Committee.

(a) The members of the Commission shall establish an advisory committee on conflicts of interest and incompatible activities, the membership of which shall include:

1. Chairman of the Commission
2. Vice-Chairman of the Commission
3. The Executive Director of the Commission

(b) The advisory committee shall, at the request of a the Commission, or the Executive Director:

1. Investigate and render a written confidential advisory opinion on any alleged violation(s) of this Code and forward the opinion to the members of the Commission, the Executive Director, and the employee accused of the alleged violation;

2. Make recommendations for revisions of this Code; and

3. Render a confidential written advisory opinion to any Commission employee who desires guidelines con-

any confidential informant, pursuant to the

provisions of this Code.

Within 10 days of the effective date of this

Code, the Commission shall determine, after

receiving a recommendation from the Advisory

Committee, the appropriate classification category

for the disclosure of any confidential

source or confidential informant, based on the

information that is filed pursuant to the pro-

visions of this Code and within 45 days of the

effective date of this Code.

Section 211. Internal Security Committee.

(a) The members of the Commission shall establish an

advisory committee on matters of internal and international

activities, the membership of which shall include:

1. Chairman of the Commission

2. Vice-Chairman of the Commission

3. The Executive Director of the Commission

(b) The advisory committee shall, at the request of a

the Commission, or the Executive Director,

1. Investigate and render a written confidential

advisory opinion on any alleged violations of this

Code and forward the opinion to the members of the

Commission, the Executive Director, and the Attorney

General or any alleged violations

2. Make recommendations for violations of this

3. Render a confidential advisory opinion on

to any Commission member who has been advised con-

cerning whether a particular fact situation would constitute a violation of this Code. In cases which may become significant precedents or present complex legal questions, the advisory committee may recommend to the Commission that the case be referred to the Attorney General or FPPC for an opinion.

(c) The Commission may, after receiving the written opinion or findings from the advisory committee made pursuant to section 211(b)(1), take any action it may deem appropriate, including, but not limited to, referral to the Fair Political Practices Commission or the Attorney General. Any disciplinary action taken by the Commission shall be subject to Government Code section 11126 and to the civil service laws of this State.

(d) An employee may appeal to the full Commission any opinion of the advisory committee which adversely affects his interests by filing a formal written petition with the chairman of the Commission. Upon the motion of any two or more members of the Commission, the full Commission shall render a decision thereon. If no such motion is made within 30 days after the appeal is filed, the appeal shall be deemed denied.

Section 212. Notice and Implementation.

(a) This Code shall be given to all Commission employees. All supervisors are responsible for supplying their subordinates with a copy of this Code. All employees shall sign a form acknowledging receipt of, and familiarity with, this Code. A potential employee shall be informed that in accepting employment he agrees to comply with the provisions of this Code.

(b) Each Commission employee shall be informed that he is subject to the provisions of sections 1097 and 19572 of the Government Code and Chapter 11 (beginning with Government Code section 91000) of the Political Reform Act of 1974.

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1 (c) This Code will not create any new or increased costs
2 to local government pursuant to section 2231 of the Revenue and
3 Taxation Code.

4
5 Section 213. Disclosure Categories.

6 (a) Designated employees in this category must report:

7 1. Investment, any interest in real property, and
8 income received from sources within the State of Cali-
9 fornia, doing business within the State of California,
10 planning to do business within the State of California,
11 or having done business with the State of California
12 within two years prior to any time period covered in a
13 Statement of Economic Interest.

14 2. His or her status as a director, officer,
15 partner, trustee, employee, or holder of a management
16 position in any business entity in the State of Cali-
17 fornia, doing business within the State of California,
18 planning to do business within the State of California,
19 or which has done business within the State of California
20 within two years prior to any time period covered in a
21 Statement of Economic Interest.

22 (b) Designated employees in this category must report:

23 1. Investments, any interest in real property, and
24 income received from sources within an area consisting of
25 the Commission's permit jurisdiction as set forth in
26 Government Code section 66610, plus two miles, doing
27 business in an area consisting of the Commission's
28 permit jurisdiction as set forth in Government Code
29 § 66610, plus two miles, planning to do business in an
30 area consisting of the Commission's permit jurisdiction
31 as set forth in Government Code § 66610, plus two miles,

1 (c) This Code will not operate any law or increased costs
2 the local government pursuant to section 2111 of the Revenue and
3 Taxation Code.

4
5 Section 211. Disposition of Assets.

6 (a) Designated employees in this category must report
7 1. Investments, any interest in real property, and
8 income received from sources within the State of California,
9 foreign, doing business within the State of California,
10 planning for the business within the State of California,
11 or having done business with the State of California
12 within the year prior to any time period covered in a
13 Statement of Economic Interest.

14 2. His or her position as a director, officer,
15 partner, trustee, employee, or holder of a management
16 position in any business entity in the State of California,
17 foreign, doing business within the State of California,
18 planning for the business within the State of California,
19 or which has done business within the State of California
20 within the year prior to any time period covered in a
21 Statement of Economic Interest.

22 (b) Designated employees in this category must report:
23 1. Investments, any interest in real property, and
24 income received from sources within the State of California,
25 foreign, doing business within the State of California,
26 planning for the business within the State of California,
27 or which has done business within the State of California
28 within the year prior to any time period covered in a
29 Statement of Economic Interest.

1 or having done business in an area consisting of the
2 Commission's permit jurisdiction as set forth in
3 Government Code § 66610, plus two miles, within two
4 years prior to any time period covered in a Statement
5 of Economic Interest.

6 (c) Designated employees in this category must report:

7 1. Investments in any business entity and any income
8 from a source which, within the previous two years did,
9 or in the future foreseeably might, contract with the
10 Commission or with the State of California to provide
11 services, equipment, leased space, materials, or
12 supplies to the Commission.

13 2. The employee's status as a director, officer,
14 partner, trustee, employee, or holder of any position
15 of management in any business entity which, within the
16 previous two years did, or in the future foreseeably
17 might, contract with the Commission or with the State
18 of California to provide services, equipment, leased
19 space, materials, or supplies to the Commission.
20

21 Section 214. List of Disclosed Category Assignments for
22 Designated Employees.

23 (a) All Commission employees, members, alternates, and
24 consultants, except those in the following civil service categories:
25 Senior Stenographer, Stenographer, Senior Legal Secretary,
26 Clerk Typist II, are designated employees.

27 (b) All designated employees shall comply with the pro-
28 visions of section 213, Disclosure Category A, except that the
29 Assistant Executive Director for Administration shall comply with
30 provisions of section 213, Disclosure Category C, and Disclosure
31 Categories for all consultants and special project employees shall

of having done business in the territory of the
Government's public jurisdiction in the first
Government Year 1951, after the date, which was
fixed prior to the first period covered in a statement
of economic interests.

(2) Indicated persons in the category must report:

1. Investments in any business activity and any income

from a natural state, within the previous two years did,

or to any other business activity, including with the

Government or with the State of California in private

activity, employment, leased estate, interests, or

supplies to the Government.

2. The employee's status as a director, officer,

partner, trustee, employee, or holder of any position

of management in any business activity within the

previous two years did, or in the future Government

activity, contract with the Government or with the State

of California as private services, employment, leased

estate, interests, or supplies to the Government.

Section 14. List of Disposed Company Assignments for

Government Employees.

1. All Government employees, present, former, and

contractors, except those in the following civil service categories

Senior Executive, Administrative, Senior Level Executive,

Class Type II, are designated employees.

(a) All designated employees shall comply with the

requirements of Section 13, Disposition of Assets, except that the

designation of employees in the following categories shall comply with

Section 13, Disposition of Assets, and Section 14, and Section 15

and Section 16 of this Act, and shall comply with the

1 be determined by the Commission pursuant to the provisions of
2 section 210(f), and records of all proceedings in connection with
3 the provisions of this subsection shall be kept on file in the
4 office of the Commission. Said records shall be subject to the
5 provisions of section 210(e).

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